

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

BOULEVARD RE HOLDINGS LLC,
et al.

Plaintiffs,

vs.

MIXON INSURANCE AGENCY,

Defendant.

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Case No. 4:20-CV-1288-SEP

JOINT PROPOSED SCHEDULING PLAN

Pursuant to the Court's Order of November 24th, 2020, (Doc. 4), the parties submit the following Joint Proposed Scheduling Plan for the Court's consideration.

- a) The Court's assignment of this case to Track Two is appropriate.
- b) The parties shall seek leave to join additional parties or amend the pleadings by May 10th, 2021.
- c) The parties propose the following discovery plan:
 - i. The parties do not anticipate an unusually voluminous production of electronically stored information (ESI) in this case, nor do they currently foresee any specific concerns or issues relating to ESI. Any ESI produced in discovery will be in .PDF format where possible. If conversion of files to .PDF format cannot be reasonably achieved, the ESI will be produced in the format in which it is maintained by the party in the ordinary course of business.
 - ii. The parties will submit a proposed protective order to the Court if such an order becomes necessary during the course of discovery.

- iii. Initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) shall be made by January 25th, 2021.
 - iv. The parties do not seek to conduct discovery in phases or to limit discovery to certain issues.
 - v. The plaintiff's expert disclosures shall be made by May 10th, 2021, and defendant's expert disclosures shall be made by July 12th, 2021. All depositions of experts shall be concluded by August 23rd, 2021, with each party making its expert(s) available during that time period.
 - vi. The presumptive limit of ten (10) depositions per side as set forth in Fed. R. Civ. P. 30(a)(2)(A) and twenty-five (25) interrogatories per party as set forth in Fed. R. Civ. P. 33(a) should apply in this case.
 - vii. At this time, the parties do not anticipate requesting any physical or mental examinations of parties pursuant to Fed. R. Civ. P. 35.
 - viii. All discovery must be completed by August 23rd, 2021. Any written discovery requests shall be served by a date that allows the served party the full thirty (30) days as provided by the Federal Rules of Civil Procedure in which to answer or produce by the discovery cut-off date.
- d) The parties believe referral of the action to mediation may be useful after the parties have taken depositions. The parties propose that mediation, if ordered, shall be completed by April 15th, 2021.
- e) All dispositive motions and motions to exclude testimony pursuant to *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993) or *Kuhmo Tire Co., Ltd. v. Carmichael*, 526 U.S. 137 (1999) shall be filed by September 27th, 2021.

- f) The earliest date by which this case should reasonably be expected to be ready for trial is February 2022.
- g) The estimated length of time expected to try the case to verdict is four days.

RESPECTFULLY SUBMITTED,

THE SUMMARY LAW FIRM

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 28th, 2020, a true and accurate copy of the above and foregoing was e-filed with the Court which sent notification to all parties entitled to service.

/s/ Justin Summary

Attorney for Boulevard RE Holdings LLC